

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

DON FAIRFAX
4076 KENOSHA ROAD
MEMPHIS, TENNESSEE 38118

PLAINTIFF,

VS.

LOWE'S HOME CENTER, LLC.
P.O. BOX 14072
LEXINGTON, KENTUCKY 40512

DEFENDANT.

CASE NO. _____

JUDGE _____

COMPLAINT

1. On or about December 10, 2018, Plaintiff, Don Fairfax, was walking into a Lowes Home Improvement Warehouse, located in Easton, in Franklin County, Ohio, when the door, owned and maintained by Defendant, Lowe's Home Center LLC, failed to function properly, causing Plaintiff to fall, resulting in the damages, injuries and consequences as hereafter set forth.

2. Defendant, Lowe's Home Center LLC, negligently and unlawfully in violation of applicable building codes:

- a. failed to inspect the door;
- b. failed to warn Plaintiff of the unsafe condition of the door;
- c. failed to repair, remove or remedy the dangerous condition of the door;
- d. caused or permitted to cause Plaintiff to collide with the door and fall.

3. As a direct and proximate result of Defendant's conduct, Plaintiff has:

- a. sustained severe and permanent injury to his right shoulder;

- b. suffered and will continue to suffer physical pain, mental anguish and emotional distress;
- c. required and will continue to require medical care, attention and treatment, all with resulting expenses;
- d. sustained and will continue to sustain a loss of earnings and earnings capacity; and
- e. suffered and will continue to suffer impairment in the use of the affected areas of his body and a reduction in the quality and enjoyment of his life.

WHEREFORE, Plaintiff, Don Fairfax, now demands judgment against Defendant Lowe's Home Center LLC, in an amount in excess of \$25,000 as compensatory damages, in addition to interest and his costs incurred herein.

Respectfully submitted,

SCHIFF & ASSOCIATES CO., L.P.A.

/s/ Ryan H. Lauer

*Ryan H. Lauer (0083474)

Megan R. Hayden (0093416)

115 West Main Street

Columbus, Ohio 43215

Telephone: (614) 621-8888

Facsimile: (614) 621-8814

mhayden@scottschiff.com

rlauer@scottschiff.com

Attorneys for Plaintiff

**Please send all correspondence regarding this case to this attorney only.*

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS

CASE TITLE: DON FAIRFAX -VS- LOWES HOME CENTER LLC

CASE NUMBER: 20CV005980

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:
CERTIFIED MAIL

DOCUMENTS TO BE SERVED:
COMPLAINT

PROPOSED DOCUMENTS TO BE SERVED:

UPON:
LOWES HOME CENTER LLC
PO BOX 14072
LEXINGTON, KY 40512

JUVENILE CITATIONS ONLY:

HEARING TYPE:

__ Date already scheduled at : Courtroom:

Electronically Requested by: RYAN H. LAUER, SCHIFF
Attorney for:

E3221 - M89

FROM

MARYELLEN O'SHAUGHNESSY
FRANKLIN COUNTY CLERK OF COURTS
373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-4579

CERTIFIED
MAIL
RECEIPT

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2020 SEP 11 PM 3:58
CLERK OF COURTS
09/10/20

LOWES HOME CENTER LLC
PO BOX 14072
LEXINGTON, KY
40512

20CV-09-5980 C

DON FAIRFAX
VS.

LOWES HOME CENTER LLC

SERVICE ITEM: 01
ORIGINAL SUMMONS

CERTIFIED
NUMBER

9214890119 522805978318

CIV354

E3221 - N66

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

DON FAIRFAX
4076 KENOSHA RD
MEMPHIS, TN 38118,

PLAINTIFF,

VS.

LOWES HOME CENTER LLC
PO BOX 14072
LEXINGTON, KY 40512,

DEFENDANT.

20CV-09-5980
CASE NUMBER

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2020 SEP 11 PM 3:52
CLERK OF COURTS

**** SUMMONS ****

09/10/20

TO THE FOLLOWING NAMED DEFENDANT:

LOWES HOME CENTER LLC
PO BOX 14072
LEXINGTON, KY 40512

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,
BY: DON FAIRFAX
4076 KENOSHA RD
MEMPHIS, TN 38118,

PLAINTIFF(S).

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF
THE PLAINTIFF'S ATTORNEY IS:

RYAN H. LAUER
SCHIFF & ASSOCIATES, CO L
115 WEST MAIN ST
SUITE 100
COLUMBUS, OH 43215

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S
ATTORNEY, OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY
OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE SERVICE
OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A
COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: BROOKE ELLIOTT, DEPUTY CLERK

(CIV370-S03)

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CIVIL DIVISION

DON FAIRFAX
4076 KENOSHA ROAD
MEMPHIS, TENNESSEE 38118

AND

NICOLE COLLINS
3278 TIMBERSTONE DRIVE
CANAL WINCHESTER, OHIO 43110

PLAINTIFFS,

CASE NO. 20CV005980

VS.

JUDGE SERROTT

LOWE'S HOME CENTER, LLC.
P.O. BOX 14072
LEXINGTON, KENTUCKY 40512

DEFENDANT.

AMENDED COMPLAINT

1. On or about December 10, 2018, Plaintiffs, Don Fairfax and Nicole Collins, were walking into a Lowes Home Improvement Warehouse, located in Easton, in Franklin County, Ohio, when the door, owned and maintained by Defendant, Lowe's Home Center LLC, failed to function properly, causing Plaintiffs to fall, resulting in the damages, injuries and consequences as hereafter set forth.

2. Defendant, Lowe's Home Center LLC, negligently and unlawfully in violation of applicable building codes:

- a. failed to inspect the door;
- b. failed to warn the Plaintiffs of the unsafe condition of the door;
- c. failed to repair, remove or remedy the dangerous condition of the door;
- d. caused or permitted to cause the Plaintiffs to collide with the door and fall.

3. As a direct and proximate result of Defendant's conduct, Plaintiff, Don Fairfax, has:
 - a. sustained severe and permanent injury to his right shoulder;
 - b. suffered and will continue to suffer physical pain, mental anguish and emotional distress;
 - c. required and will continue to require medical care, attention and treatment, all with resulting expenses;
 - d. sustained and will continue to sustain a loss of earnings and earnings capacity; and
 - e. suffered and will continue to suffer impairment in the use of the affected areas of his body and a reduction in the quality and enjoyment of his life.
4. As a direct and proximate result of Defendant's conduct, Plaintiff, Nicole Collins, has:
 - a. sustained severe and permanent injury to her back, sides, and toe;
 - b. suffered and will continue to suffer physical pain, mental anguish and emotional distress;
 - c. required and will continue to require medical care, attention and treatment, all with resulting expenses;
 - d. sustained and will continue to sustain a loss of earnings and earnings capacity; and
 - e. suffered and will continue to suffer impairment in the use of the affected areas of her body and a reduction in the quality and enjoyment of her life.

WHEREFORE, Plaintiff, Don Fairfax, now demands judgment against Defendant Lowe's Home Center LLC, in an amount in excess of \$25,000 as compensatory damages, in addition to interest and his costs incurred herein.

WHEREFORE, Plaintiff, Nicole Collins, now demands judgment against Defendant Lowe's Home Center LLC, in an amount in excess of \$25,000 as compensatory damages, in addition to interest and his costs incurred herein.

Respectfully submitted,

SCHIFF & ASSOCIATES CO., L.P.A.

/s/ Ryan H. Lauer

*Ryan H. Lauer (0083474)

Megan R. Hayden (0093416)

115 West Main Street

Columbus, Ohio 43215

Telephone: (614) 621-8888

Facsimile: (614) 621-8814

mhayden@scottschiff.com

rlauer@scottschiff.com

Attorneys for Plaintiff

**Please send all correspondence regarding this case to this attorney only.*

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS

CASE TITLE: DON FAIRFAX -VS- LOWES HOME CENTER LLC

CASE NUMBER: 20CV005980

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:
CERTIFIED MAIL

DOCUMENTS TO BE SERVED:
AMENDED COMPLAINT

PROPOSED DOCUMENTS TO BE SERVED:

UPON:
LOWES HOME CENTER LLC
PO BOX 14072
LEXINGTON, KY 40512-0000

JUVENILE CITATIONS ONLY:

HEARING TYPE:

__ Date already scheduled at : Courtroom:

Electronically Requested by: RYAN H. LAUER, SCHIFF
Attorney for: DON FAIRFAX

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS

CASE TITLE: DON FAIRFAX -VS- LOWES HOME CENTER LLC

CASE NUMBER: 20CV005980

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UPON:
LOWES HOME CENTER LLC
PO BOX 14072
LEXINGTON, KY 40512-0000

JUVENILE CITATIONS ONLY:

HEARING TYPE:

__ Date already scheduled at : Courtroom:

Electronically Requested by: RYAN H. LAUER, SCHIFF
Attorney for: DON FAIRFAX

E3225 - B68

FROM

MARYELLEN O'SHAUGHNESSY
FRANKLIN COUNTY CLERK OF COURTS
373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-4579

C E R T I F I E D
M A I L
R E C E I P T

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2020 SEP 29 PM 3:53
CLERK OF COURTS
09/28/20

LOWES HOME CENTER LLC
PO BOX 14072
LEXINGTON, KY
40512

20CV-09-5980 C

DON FAIRFAX
VS.
LOWES HOME CENTER LLC

SERVICE ITEM: 06
AMENDED COMPLAINT

CERTIFIED
NUMBER

9214890119 522806122079

CIV354

E3225 - C65

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

DON FAIRFAX
4076 KENOSHA RD
MEMPHIS, TN 38118,

PLAINTIFF,

VS.

LOWES HOME CENTER LLC
PO BOX 14072
LEXINGTON, KY 40512,

DEFENDANT..

20CV-09-5980
CASE NUMBER

FILED
COUNTY PLEAS COURT
FRANKLIN COUNTY, OHIO
2020 SEP 29 PM 4:00
CLERK OF COURTS

**** SUMMONS ****

09/28/20

TO THE FOLLOWING NAMED DEFENDANT:

LOWES HOME CENTER LLC
PO BOX 14072
LEXINGTON, KY 40512

YOU HAVE BEEN NAMED DEFENDANT IN A AMENDED COMPLAINT
FILED IN FRANKLIN COUNTY COURT OF COMMON PLEAS, FRANKLIN COUNTY
HALL OF JUSTICE, COLUMBUS, OHIO.

A COPY OF THE AMENDED COMPLAINT IS ATTACHED HERETO.
THE NAME AND ADDRESS OF THE PLAINTIFF'S/DEFENDANT'S ATTORNEY IS:

RYAN H. LAUER
SCHIFF & ASSOCIATES, CO L
115 WEST MAIN ST
SUITE 100
COLUMBUS, OH 43215

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE
PLAINTIFF'S/DEFENDANT'S ATTORNEY, UPON THE PLAINTIFF/DEFENDANT,
IF HE HAS NO ATTORNEY OF RECORD, A COPY OF AN ANSWER TO THE
AMENDED COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE
SERVICE OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR
ANSWER MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE
OF A COPY OF THE ANSWER ON THE PLAINTIFF'S/DEFENDANT'S ATTORNEY. IF YOU
FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED AGAINST
YOU FOR THE RELIEF DEMANDED IN THE AMENDED COMPLAINT

MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO
BY: BROOKE ELLIOTT, DEPUTY CLERK

(CIV370-S04)



FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO

2020 SEP 30 AM 8:28

CLERK OF COURTS

Date Produced: 09/28/2020

COC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1952 2805 9783 18. Our records indicate that this item was delivered on 09/22/2020 at 07:48 a.m. in LEXINGTON, KY 40512. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section
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GEORGE MONTGOMERY
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Address of Recipient :

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Sincerely,
United States Postal Service

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